

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISTRICT**

FORD DEALER COMPUTER SERVICES, INC.
n/k/a DEALER COMPUTER SERVICES, INC.,

Petitioner, Case No.06-50344

v. HONORABLE DENISE PAGE HOOD

HIGHLAND LINCOLN MERCURY, INC.
and HIGHLAND LINCOLN MERCURY, LLC,
a Delaware corporation,

Respondent.

ORDER DENYING MOTION FOR ATTORNEY FEES, COSTS AND EXPENSES

This matter is before the Court on Petitioner, Dealer Computer Services, Inc., (“DCS”) Motion for Attorney Fees, Costs and Expenses [**Docket No. 13, filed May 13, 2008**]. DCS requests that this Court grant attorney fees, costs, and expenses in its favor and against Highland Lincoln Mercury. To date, no response has been filed by Respondent, Highland Lincoln Mercury, Inc.

Federal Rule of Civil Procedure 54(d)(2) provides in part that “[A] motion for attorney fees must be filed no later than fourteen (14) days after entry of judgment unless otherwise provided by statute or order of the court.” *Miltmore Sales, Inc. V. International Rectifier, Inc.*, 412 F.3d 685, 687 (6th Cir. 2005). In addition, Local Rule 54.1.2 provides that a motion for attorney fees must be filed no later than 28 days after entry of judgment and that “motion shall be supported by a memorandum brief as to the authority of the court to make such an award.” This Court entered an Order granting motion to confirm arbitration award and denying motion to vacate arbitration award [**Docket No. 11, filed March 31, 2008**]. Petitioner submits its motion

pursuant to this Court's order [**Docket No. 11, filed March 31, 2008**] stating that "DCS may submit its requests for attorney fees, costs and expenses in accordance with E.D. Mich. L.R. 54.1 and 54.1.2, with the appropriate support." Petitioner has filed a motion for attorney fees and has provided support by affidavit setting out in detail the number of hours spent on each aspect of the case and the rate charged for each [**Docket No. 13, filed May 13, 2008**].

In accordance with L.R. 54.1.2(a) a motion for attorney fees must be filed within 28 days after entry of judgment. The order which Petitioner bases its grounds for its motion was filed March 31, 2008 [**Docket No. 11**]. Petitioner did not file its motion for attorney fees until May 13, 2008 [**Docket No. 13**], which exceeds the 28 day time limit.

In addition, L.R. 54.1.2 (b) provides in part, that a motion for attorney fees shall be supported by a memorandum brief and an affidavit setting out the fees at issue in detail. In the instant action, Petitioner has provided only a motion for attorney fees and an affidavit supporting the motion. Petitioner, however, has failed to provide the Court with a memorandum brief in support of its motion for attorney fees.

Accordingly,

IT IS ORDERED that the Motion for Attorney Fees, Costs and Expenses [**Docket No. 13, filed May 13, 2008**] is DENIED WITHOUT PREJUDICE.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 18, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 18, 2008, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager